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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,265	06/20/2003	Steven Reed Love	40302.1USU1	7495
23552	7590	10/20/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			GREEN, BRIAN	
			ART UNIT	PAPER NUMBER

3611

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,265

Applicant(s)

LOVE ET AL.

SA

Examiner

Brian K. Green

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 7-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Election/Restrictions***

Applicant's election with traverse of Group I. (claims 1-14) filed on Sept. 1, 2004 is acknowledged. The traversal is on the ground(s) that Groups I. and II. are not related as process of making and product made, the product recited in Group I claims could not be made by the process outlined by the examiner, and any search required to examine the apparatus claims of Group I. would undoubtedly encompass the subject matter of the method claims of Group II. This is not found persuasive because the method could be considered either the method of making or the method of using the "fabric display" since the applicant defines in the method claims the steps of supporting the fabric sheet, sliding the leading edge of the fabric sheet forward, and sliding the leading edge of the fabric sheet rearward. The steps defined in the method claims are directed to the method used to make the finished product, i.e. fabric display. The examiner maintains that the process outlined by the examiner could be used to make the product. The process outlined by the examiner would create the product defined in claim 1. The search required for the product and the method are different. The search for the method would require the examiner to search in class 29. The search for the product would not require a search in class 29.

The requirement is still deemed proper and is therefore made FINAL.

Claims 15-20 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **with** traverse on Sept. 1, 2004.

Specification

The abstract of the disclosure is objected to because on line 2 the word "Invention" is used which is improper. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1-14 are objected to because of the following informalities: In claim 1, line 3, "an" should be "and". In claim 7, line 7, "the handle" should be "the handle arm". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, lines 1-2, it is not clear whether the separate fabric arm attached to each side of the support arm includes the support arm defined in claim 1 or are two additional support arms. In claim 13, lines 1-2, it is not clear whether the plurality of support arms attached to the support includes the support arm defined in claim 1 or are additional support arms. In claim 14, lines 1-2, it is not clear whether the separate fabric arm attached to each side of the support arm includes the support arm defined in claim 1 or are two additional support arms and whether the separate fabric arms are part of the plurality of support arms defined in claim 13 or are additional arms.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray (U.S. Patent No. 1,681,595).

Ray shows in figure 4 a support arm (24,25), a fabric arm including a main segment (21) having a rear end attached to the first end of the support arm, a reverse bend (22), and a bend arm (35) that extends substantially rearward from the reverse bend between the main segment and the support arm, wherein the bend arm is laterally spaced from the support arm. In regard to claim 2, the length of the bend arm (35) is substantially less than the main segment. Ray shows in figure 4 that the length of the bend arm is approximately 20-30 % of the length of the main segment. In regard to claim 4, the bend arm (35) is considered to be selectively attached to the support arm since it is attached with removable fasteners (37,39). In regard to claim 5, the bend arm includes a fastener (37) which includes a head which is considered to be a “snap knob” and the support arm includes an aperture which receives the fastener (37). In regard to claim 6, the support arm can pivot about the support (radiator) until the clamp is tightened about the radiator. In regard to claims 12-14, Ray shows an arm (32) on the opposite side of the support arm from the fabric arm (21) and the arm is considered to be “adapted” to receive a fabric.

Allowable Subject Matter

Claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fuller et al. and Kies teach the use of pivoted display devices. Gallemore, II., Johnson, and Qui teach the use of fabric type support frames.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Oct. 18, 2004